

## Attachment A3

### Step-by-Step Environmental Review

## Guide for Environmental Assessment (EA) Projects(2/14)

### Small Cities Development Program (SCDP)

1. **Determine Environmental Certifying Officer** (see Overview and Preliminary Steps Required for All Activities, Attachment A)
2. **Determine category of environmental review for your activity or activities** (see Overview and Preliminary Steps Required for All Activities, Attachment A)

The following documents must be provided to SCDP staff to clear environmental review on Environmental Assessment (EA) Projects:

Document	Attachment #
Certificate of Exemption for HUD Funded Projects (for administrative activities)	2
Statutory Checklist (and attachments, if any)	6
Checklists 1-5	9-13
SHPO or THPO letters, if new construction/conversion or PF activity	NA
Copies of Published Combined Notice	NA
Information on location/duration of postings, if used	NA
Copies of Published Floodplain/Wetland Notices (if needed)	4
Request Release of Funds & Certification Form (signed by certifying officer)	19

Documents required during SCDP monitoring:

Document	Attachment #
Affidavits from Publication(s)	NA
Any studies, permits, correspondence, or other documentation backing up consultation and compliance	NA
State EAW and/or EIS (if required)	NA
RD Environmental Review	NA
SCDP Rehabilitation Threshold Determination/Tier Two Environmental Review Form	22

3. **Complete the “Certification of Exemption for HUD Funded Projects,” (Attachment 2) and have Certifying Officer sign it and submit it to SCDP**

The Certificate of Exemption is for costs associated with environmental review, engineering, policy development, inspection costs, and any other Exempt activities.

4. **Determine if any of the activities are in or may affect the regulatory (100 year) floodplain.**

This is best done very early in the process. Your local planning and zoning office will probably be able to provide this information. Information is also available online about the location of the regulatory floodplains. Follow the link and instructions provided under “Floodplain Management,” in Attachment 3, Environmental Review Web Resources & Links. If your project is located in a floodplain follow the steps at the end of this document titled “Additional Steps if Located in a Floodplain”.

5. **Fill out Statutory Checklist.** Additional research and consultation may be needed to complete this form.

If rehabilitation is minor and is Categorically Excluded a sample Statutory Checklist and explanatory attachment has been provided (Attachment 6).

Additional resources have been provided to assist grantees with their research. See Attachment 3, Environmental Review Web Resources & Links.

6. **Fill out Checklists 1-5 for Environmental Assessment Projects** (Attachments 9-13).

- For Checklists 1-3, instructions for each area of review are provided.
- Checklist 4 allows you to summarize environmental conditions, list alternatives to the project and additional studies performed, and identify mitigation measures needed.
- Checklist 5 asks whether the project is in compliance with laws and regulations, whether a Federal Environmental Impact Statement is needed and record the basis for the decision that a Finding of No Significant Impact could be made.

7. **Publish and/or Post and Mail either Notice of Intent to Request Release of Funds (NOIRROF) (Attachment 14) or Combined Notice (Attachment 16) (see instructions below)**

Notices must be either published or posted (or both), and must also be distributed by mail or email. See Attachment 5, Environmental Review Agency Contacts/Dissemination of Notice. Note that notification by mail or email is required for the entities on the first two pages of the contacts list. For earthmoving projects near or on Tribal lands, including rehabilitation that may involve minor excavation, notification may also need to be provided to the tribe associated; consult the list provided. In cases where tribes have Tribal Historic Preservation Officers (THPOs), the THPO has assumed responsibility for archeological consultation on tribal lands.

Publish/post and mail the Combined Notice (Attachment 16). Follow the timelines on the “Combined Notice – Finding of No Significant Impact and Certification AND Notice of Intent to Request Release of Funds – Timelines” calculator (Attachment 17).

The above two notices both contain a comment period (comments go to the grantee) and an objection period (objections go to SCDP). You may either publish or post the above notices, but you must always mail notices to some required parties and other interested parties.

If you choose to post and not publish these notices, 3 additional days must always be added to both the comment and the objection period (total of 6 additional days to clear).

**HISTORICAL NOTE:** The NOIRROF and Combined Notice need to be submitted to the Minnesota State Historic Preservation Office (MnSHPO) even if you are entering in to a Programmatic Agreement with MnSHPO. For more information and instructions on the Programmatic Agreement see Attachment 24.

**Tip:** Cover letters should not be needed to go with these Notices. All the information needed by the recipient should be in the Notice itself.

*If you only post and mail notices (not publish), you must observe both the longer comment period and a longer objection period in the notice.*

8. **Fill out Request for Release of Funds (RROF) and Certification form (Attachment 19) to SCDP. Available in a fillable and downloadable is available on the DEED website at:**

<http://mn.gov/deed/government/financial-assistance/community-funding/>

**IMPORTANT:** *Fax/mail this form to SCDP on the date the published notice says you will. The only way this should be delayed is if comments received as a result of the notice cause you to change the project design, or delay requesting funds.*

**Part 2. Environmental Certification** (to be completed by responsible entity)

The Certifying Officer of the responsible entity should read the 8 certifications to which he/she is attesting. On #3, the Certifying Officer should check whether or not the activities for which funds are being requested did or did not require the preparation of an Environmental Impact Statement.

The Certifying Officer (Mayor, County Board Chair, Township Chairman) should sign and date the Certification under Part 2, and the Officer's title and address should be filled in.

**You should not mail the RROF and Certification form until the 15 or 18 day comment period (15 days for publishing, 18 days for posting) has passed and comments received have been responded to.** Comments may come by phone or by mail.

Commenters may need more information. If by phone, keep a dated record of each contact and your response. Comments received during this period may cause you to reconsider the project design or location. If this occurs, the "clock stops" on the Notice timetable, and changes may have to be made to the project, at which point the Notice must be republished with new information and a new timeline. The date for which you submit this form, barring unforeseen delays, was in your Notice. Submit this form on that day or as soon as possible thereafter.

**Tip:** *This is very unlikely to happen if adequate research into compliance areas was done on the front end.*

9. **Submit the following documents to SCDP and wait the additional 15 or 18 day (15 days for published, 18 days for posted) objection period given in the notice.**

Document	Attachment #
Certificate of Exemption for HUD Funded Projects (for administrative activities)	2
Statutory Checklist (and attachments, if any)	6
SHPO or THPO letters, if new construction/conversion or PF activity	NA
Certificate of Categorical Exclusion for HUD Funded Projects	8
Copies of Published Floodplain/Wetland Notices (if needed)	4
Copies of Published Notice of Intent to Request Release of Funds	14
Request Release of Funds & Certification Form (signed by certifying officer)	19

**IMPORTANT:** SCDP cannot start counting off objection period dates until they have the RROF. Send it in as close as possible to the date you say you will in the notice, even if you don't have any of your other required documentation, such as the affidavit of publication, etc.

10. **Receive Notice of Removal of Environmental Review Grant Conditions form (Attachment 21) and disbursement instructions from SCDP.**

SCDP staff may receive objections that may delay clearance. Only after clearance, you may commence non-exempt project expenses.

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## Additional Steps if Located in a Floodplain

**Publish and mail First (Early) Floodplain Notice (Attachment 4), if necessary.**

**Floodplain notices must be published, and must also be distributed by mail.** See Attachment 5, Environmental Review Agency Contacts/Dissemination of Notice. Notification by mail is required for the entities on the first two pages of the contacts list. For earthmoving projects near or on Tribal lands, including rehabilitation that may involve minor excavation, notification must also be provided to the tribe associated. In cases where tribes have Tribal Historic Preservation Officers (THPOs), the THPO has assumed responsibility for archeological consultation on tribal lands.

There are two exceptions to publishing the floodplain notices:

**Exception for Residential Rehabilitation:** *If rehabilitation is only of 1-4 family properties that meet the definition of Categorically Excluded (CE), there is no need to publish and mail floodplain notices as long as all rehab meets the floodplain definition of “minor improvement,” as well. For non-flood recovery projects, “minor Improvements” are “any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started, unless the improvement is needed to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions.”*

**Exception for Other Activities:** *If only an incidental portion of the activity site is in an adjacent 100 year floodplain, you do not need to publish and mail floodplain notices, as long as the proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, etc.) do not occupy or modify the 100 year floodplain and*  
- *provision is made for site drainage and*  
- *a covenant or other, similar restriction is placed on the property's continued use to preserve the floodplain.*

**Contact your SCDP Representative if you have questions about these exceptions.**

**Tip:** There is no provision in the law for posting of floodplain notices, so they must be published.

**Second (Final) Floodplain/wetland Notice:** For any activities that required publication and mailing of a 1<sup>st</sup> (early) floodplain/wetland notice, publication and mailing of a second floodplain/wetland notice is required. (Attachment 18), which can be done at the same time as whichever other notice you have to publish or post.